

Entered - 05/02/01 - sb
CL01L02778 - DIANNE C. MITCHELL

CLAIM OF: **MARKELL STALLINGS, RONALD
WILLIAMSON AND DEXTER WILLIAMSON,**
through their attorney,
David M. Sobell
1720 Peachtree Street, NW
Suite 929
Atlanta, Georgia 30309

01-*L*-0689

CONSENT AGENDA

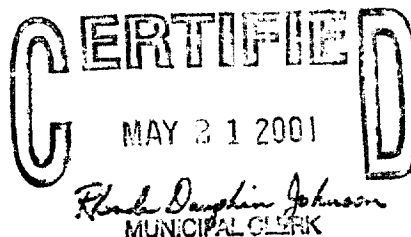
For damages alleged to have been sustained as a result of vehicular
accident on November 3, 2000 at an undisclosed location.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



ADVERSED BY CITY COUNCIL MAY 21 2001





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

May 24, 2001

David M. Sobell
Attorney at Law
1720 peachtree St., NW
Suite 929
Atlanta, GA 30309

01-R0689

**RE: Markell Stallings, Ronald Williamson
and Dexter Williamson**

Dear Attorney Sobell:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on May 21, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0278

Date: May 3, 2001

Claimant /Victim MARKELL STALLINGS, RONALD WILLIAMSON AND DEXTER WILLIAMSON

BY: (Atty) David M. Sobell

Address: 1720 Peachtree Street, NW, Suite 929, Atlanta, Georgia 30309

Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated

Date of Notice: 04/22/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/03/00 Place: Not Stated

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege they were injured in a vehicular accident while riding in a bus owned by the Atlanta Board of Education and operated by its employee. The Atlanta Board of Education is a separate legal entity from the City of Atlanta. The claimants' attorney has been advised to pursue this claim with the Atlanta Board of Education.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial

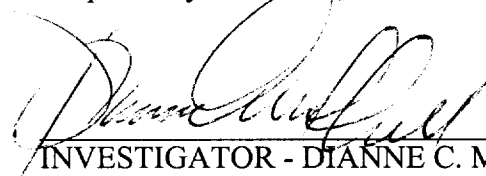
Improper Notice More than Six Months Other Damages reasonable

City not involved X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager: Concur/date 05-03-01

Committee Action: Council Action

Law

Mitchell
05/02/01
Du

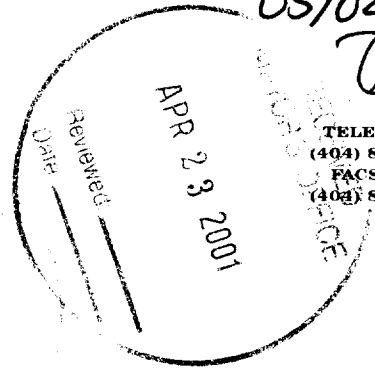
SOBELL & FOY
A PROFESSIONAL CORPORATION
ATTORNEYS & COUNSELORS AT LAW
1720 PEACHTREE STREET, N.W.
SUITE 929
ATLANTA, GEORGIA 30309

DAVID M. SOBELL*
JOHN M. FOY

*ALSO ADMITTED IN AL

VIA CERTIFIED MAIL
City of Atlanta
c/o Mayor Bill Campbell
55 Trinity Avenue
Suite 2500
Atlanta, GA 30335

Thursday, April 19, 2001



TELEPHONE
(404) 873-4488
FACSIMILE
(404) 873-4490

Logged: 4-26-01

ENTERED - 5-2-01 - SB
01L0278 - DIANNE MITCHELL

Notice of Claim
Re: Our Client(s):

Negligent Party:
Date of Loss:
Location:
Negligent/Intentional
Conduct:

Injury:

Markell Stallings, Ronald Williamson,
and Dexter Williamson
City of Atlanta
11/03/00
Bus en route to Atlanta 200 for a field trip. No action taken.

Motor Vehicle Accident
Failure to provide medical treatment
Necks, Backs, and Shoulders

Dear Mayor Campbell:

This letter shall provide notice to the city of Atlanta of a claim for damages in accordance with O.C.G.A. section 36-33-5. On or about 11/03/00, our client(s), Mr. Markell Stallings, Mr. Ronald Williamson, and Mr. Dexter Williamson, were injured as a result of Alford Blalock School's negligence while transporting these children by bus on a field trip to the Atlanta Zoo. The bus was involved in a motor vehicle accident, and at that time, the driver notified the dispatcher. A supervisor was directed to the scene, but failed to notify the proper authorities (i.e., police department) for the purpose of generating an accident report. The children notified the supervisor that they did sustain injuries, but were transported to the Atlanta Zoo anyway. The school maintains that they notified the parents, but the parents learned of the accident from Markell, Ronald, and Dexter.

Our clients, Markell Stallings, Ronald Williamson, and Dexter Williamson, were injured as a result of the impact. Our clients have completed their treatment at Arrowhead Clinic on Cascade Road with Dr. Roy Vogel. We will forward their medical records when they become available.

By this letter, we are requesting that this claim be submitted to the City of Atlanta governing authority for adjustment. Should you have any questions regarding this matter, please do not hesitate to call. Thank you for your time and attention to this matter.

Very truly yours,

SOBELL & FOY, P.C.

David M. Sobell
Attorney at Law

01-R -0689

President Pro Tem Bond Presided

RCS# 2865
5/21/01
1:48 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 16

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
B Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM CONSENT AGENDA

01-O-0721
01-O-0752
01-O-0753
01-O-0494
01-O-0712
01-R-0763
01-R-0765

CONSENT

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 01-O-0582
2. 01-O-0583
3. 01-O-0584
4. 01-O-0585
5. 01-O-0586
6. 01-O-0587
7. 01-O-0742
8. 01-O-0748
9. 01-O-0715
10. 01-O-0723
11. 01-O-0751
12. 01-O-0754
13. 01-O-0755
14. 01-O-0756
15. 01-O-0106
16. 01-O-0495
17. 01-O-0496
18. 01-O-0497
19. 01-O-0498
20. 01-O-0567
21. 01-O-0568
22. 01-O-0569
23. 01-O-0616
24. 01-O-0638
25. 01-O-0643
26. 01-O-0665
27. 01-O-0716
28. 01-O-0759
29. 01-R-0667
30. 01-R-0669
31. 01-R-0670
32. 01-R-0656
33. 01-R-0675
34. 01-R-0676
35. 01-R-0725
36. 01-R-0744
37. 01-R-0750
38. 01-R-0758
39. 01-R-0456
40. 01-R-0654

**ITEMS ADOPTED
ON CONSENT
AGENDA**

41. 01-R-0757
42. 01-R-0698
43. 01-R-0699
44. 01-R-0700
45. 01-R-0764
46. 01-R-0649
47. 01-R-0658
48. 01-R-0659
49. 01-R-0661
50. 01-R-0662
51. 01-R-0673
52. 01-R-0677
53. 01-R-0678
54. 01-R-0679
55. 01-R-0680
56. 01-R-0681
57. 01-R-0682
58. 01-R-0683
59. 01-R-0760
60. 01-R-0684

**ITEMS ADVERSE
ON CONSENT
AGENDA**

61. 01-R-0685
 62. 01-R-0686
 63. 01-R-0687
 64. 01-R-0688
 65. 01-R-0689
 66. 01-R-0690
 67. 01-R-0691
 68. 01-R-0692
 69. 01-R-0693
 70. 01-R-0694
 71. 01-R-0695
 72. 01-R-0697
 73. 01-R-0761
 74. 01-R-0762
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